

REMARKS/ARGUMENTS

Claims 1-11 and 13-17 stand rejected, with claim 12 objected to and claim 18 allowed in the outstanding Official Action. Claims 3 and 4 have been cancelled, without prejudice, claims 1, 5, 6 and 13 amended and newly written claim 19 offered for consideration. Accordingly, claims 1, 2 and 5-19 are the only claims remaining in this application.

The Examiner's acknowledgment of applicant's claim for priority is appreciated. Applicant submits herewith a certified copy of the priority document. The Examiner is respectfully requested to acknowledge receipt of the certified copy of the priority document in the next Patent Office communication. Additionally, the Examiner's consideration of the prior art submitted with applicant's Information Disclosure Statement is appreciated.

Claims 1-7 and 13-17 stand rejected under 35 USC §102(e) as being anticipated by Cameron (U.S. Patent 5,006,721). It is difficult to understand and appreciate the Examiner's basis for an anticipation rejection over the Cameron reference, as she has not pointed to how or where there is a disclosure of each of the claimed method steps in the Cameron reference. The Examiner merely copies portions of claim 1 and makes a general reference that these steps are all taught in Cameron. Should the Examiner reapply any rejection under §102 or §103 to applicant's claims, it is respectfully requested that she point out how or where the specifically recited method steps in the claims is shown or taught in the Cameron reference.

Notwithstanding the difficulty in understanding the basis for the rejection, applicant's review of the Cameron reference determines that it actually discloses a distance measurement method which uses pre-established calibration data and nothing more. There is no disclosure in Cameron of how the calibration data is established or how the phase shift is correlated to the calibration data. As a result, Cameron clearly fails to teach the subject matter of applicant's original claim 4 and also claim 6 dependent on claim 4.

In order to move this case forward for allowance, applicant has amended independent claim 1 to include the limitations of claims 3 and 4 previously dependent from claim 1. The dependency of claims 5 and 6, previously dependent from claim 4, has been corrected to now depend directly from claim 1. The dependency of claim 13, previously dependent in error on claim 4, has been corrected to depend from claim 6. As a result, claim 1 and all claims directly or indirectly dependent thereon are believed to be allowable (independent claims 16 and 17 include the limitations of claims 1, 3 & 4 and thus are similarly patentable). The Examiner's allowance of claim 18 and the indication of allowable subject matter in claim 12 is very much appreciated.

In view of applicant's amended claim 1, the details of the detection and sampling steps are specified and yet not present in the Cameron reference. Should the Examiner believe that Cameron teaches these specific features, the Examiner is respectfully requested to point out the column and line number of any such teaching in the Cameron reference.

Claims 8-11 stand rejected under 35 USC §103 as unpatentable over Cameron, again with the Examiner making a general allegation of obviousness. Again, applicant requests the Examiner to point out where the claimed method steps are taught or shown in the Cameron reference so that applicant may properly respond.

The Examiner's admission that "Cameron et al lacks the teaching of obtaining a mean scan of a plurality of scans" is very much appreciated. The fact that there is no cited prior art teaching this method step requires the abandonment of a rejection under 35 USC §103.

The Examiner's allegation that "Official Notice" is taken that such teaching is old and well known in the art is respectfully traversed, and pursuant to the Manual of Patent Examining Procedure (MPEP) Section 2144.03, in view of applicant's traversal, "the examiner should cite a reference in support of his or her position." Applicant does not believe the same to be old and well known in the art as pertains to methods for measuring the distance of an object from a measuring device.

Applicant also offers newly written claim 19 which is a combination of independent claims 1 and 6, with the exception of the last step of claim 6 being omitted. Entry and consideration of newly written claim 19 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that remaining claims 1, 2 and 5-19 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one

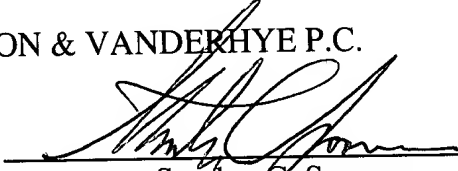
DE RENZIS
Appl. No. 09/437,469
August 7, 2003

or more of the above claims, she is respectfully requested to contact applicants'
undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Stanley C. Spooner
Reg. No. 27,393

SCS:kmm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Enclosure:
Submission of Priority Document